

The situation just does not seem to work in Maryland under the present law, and this provision that the man is entitled to bail or other terms as are reasonably necessary, seems to me would mandate to the Legislature a classification of offenses that could be handled as motor vehicle offenses are now handled. Then, in non-support cases, a typical example, where you had instances, when I was state's attorney, of a person arrested for non-support, the person was taken off his job and he lost his job sometimes as a result of it. In these cases there could be a classification of offenses in Maryland under which a man would automatically be entitled to release, that is, in minor offenses, as he is now in motor vehicle cases.

It is a strange situation. I was in federal court in Baltimore with a man charged with failing to file income tax, a considerable amount of money, and the judge required no bail at all, let him go on back home with me and stay three or four months until the case came up for trial.

And yet in Salisbury I had a case not so long ago when a man was seated at the dinner table with his wife and family and the police came around and took him to jail and locked him up because his dog was loose.

This is an actual fact. I went down and got the man out from behind bars, where he had been taken and put because his dog was loose, in violation of the municipal ordinance. The language in the present Constitution just does not seem to have filtered down to the people who have the keys to the jail.

THE CHAIRMAN: You have one-quarter minute, Delegate Fox.

DELEGATE FOX: It seems to me therefore, that the provision that they are entitled to release terms, or to other terms that may be reasonable and proper, may be necessary in order to bring our intentions down to the keeper who has the key.

THE CHAIRMAN: Delegate Child.

DELEGATE CHILD: How much time do we have, sir?

THE CHAIRMAN: Five minutes, Delegate Child.

DELEGATE CHILD: I allot three minutes to Delegate Weidemeyer.

DELEGATE WEIDEMEYER: Mr. President, members of the Committee, I go along with the Minority Report. I think what can be said for this report has al-

ready been said. First that we have adequate provision in section 8, and everything that can be done under that has been our law.

If we were going to provide in all cases, except capital or other instances of crime, that they shall be entitled to release, I think it deprives the court of that discretion which it needs in all of those cases.

Under our statute, and also under rules of the court, if the judge finds that a person is worthy of being released on his own recognizance, he can do it or if he finds that the person ought to be released but heavy bail should be set, he can do it. I do not think that we should put this burdensome and restrictive statutory language in our constitution, where, what we have under section 8, has been there so long and served us so well.

THE CHAIRMAN: Delegate Bothe.

DELEGATE BOTHE: I yield two minutes to Delegate Willoner.

THE CHAIRMAN: Delegate Willoner.

DELEGATE WILLONER: Mr. Chairman, members of the Committee, we have gotten this morning a great deal of misinformation about this particular section.

It is abundantly clear and has been stated many times that the intent of the section is nothing more than to bring the present State of Maryland law up to a constitutional provision.

It does not do the things that Judge Sherbow would let you believe it does. Under the present rules of the court, Rule 77A, and I will read it to you, "prior to conviction the accused who is charged with an offense, the maximum punishment for which is other than capital, shall be entitled to be admitted to bail."

It is based on a presumption of innocence. There is nothing, however, to prevent the judge from incarcerating a man because he is dangerous and in a mental institution. It is a completely different proceeding for that. He can be sent for minor offenses to Spring Grove, where he can have an examination. This is nothing more really than bringing the present state of the law to a constitutional provision.

Secondly, excessive bail does not mean what it has been argued that it means. It means virtually nothing. There is no right to bail. If bail is granted, it cannot be excessive bail.

It is true we have developed greatly through the courts, through the court